IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

Con.Case(C).No. 312 of 2007(S)

AGAINST THE ORDER IN WPC.2224/2006 Dated 08/03/2006

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PETITIONER/RESPONDENT NO.3:

K.V. SASI, AGED 55 YEARS,
S/O. SHRI VELAYUDHAN, PRESIDENT,
MANATH ROAD RESIDENTS' ASSOCIATION,
THRIKKAKARA, KOCHI-21.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENT: PETITIONER:

MATHEW ANTONY
(AGE & FATHER'S NAME NOT KNOWN TO THE PETITIONER)
MANAGING PARTNER, NOA ESTATE, KAKKANAD, KOCHI-30.

BY

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 22/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

C.O.C.No.312 OF 2007

Dated this the 22nd day of February, 2007

JUDGMENT

This contempt of court case is filed by the third respondent in the writ petition, in which, I had passed an interim order on 8.3.2006. The issue whether the writ petitioner had violated the Kerala Building Rules while carrying out the construction and whether he is bound by the undertaking, if any, made by him that he shall carry out the construction in terms of the Kerala Building Rules, even if the KBR does not apply to the area in question, are matters which may have to be gone into at the final hearing of the writ petition. In the order dated 8.3.2006, I had directed that constructions will be subject to further orders of this Court and the proceedings of the District Collector dated 28.2.2006 was recorded and it was further directed that the petitioner will continue with the building activities subject to what is directed therein by the District Collector. These are matters which would govern the parties, as of now, pending the

writ petition. Under such circumstances, no case is made out to initiate action for contempt. Preserving the right, if any, of the petitioner in this contempt of court case to seek further direction or clarifications at or before the final hearing of the writ petition, this matter is closed.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.